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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,692	02/02/2001	David Michael Kimble	50N3463.01	8893
24955	7590	11/15/2006	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101				KE, PENG
				ART UNIT 2174 PAPER NUMBER

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/775,692	KIMBLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 August 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is responsive to communications: Remarks filed on 8/29/06.

This action is made final.

Claims 1-30 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,219,042) in view of Gerba (US 6,445,398).

As per claim 1, Anderson et al. teaches a method of displaying a video content frame within a WEB browser based content frame in a windowless environment (col.1, lines 56-68, col. 2, lines 1-21), comprising the steps of:

- a) generating a section in the browser based content frame (col. 4, lines 53-68); and
- b) overlapping the video content frame in the section of the browser based content frame (col. 5, lines 15-24).

However, Anderson fails to teach generating a transparent section.

Gerba teaches generating a transparent section. (column 27, lines 5-20)

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It would have been obvious to an artisan at the time of the invention to include Gerba's teaching with method Anderson in order to allow moving video to be viewed when it is overlapped by the web browser.

As per claim 2, Anderson and Gerba teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 1, Anderson further teaches wherein the displayed size of the video content frame is smaller than the displayed size of the browser based content frame (col. 5, lines 15-24, fig 2, items 12 and 88).

As per claim 3, Anderson and Gerba teach the method of claim 2. Anderson further teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment, wherein video content is related to the browser based content (col. 5, lines 32-56).

As per claim 4, Anderson teaches method of handling a video media event in a windowless Web browser system comprising the steps of:

- a) detecting a video media event (col. 5 ,lines 15-24);
- b) generating a section in the browser frame (col. 5 ,lines 15-24); and
- c) overlapping a video content frame in the section of the browser frame where the video content frame is generated from the video media event (col. 5 ,lines 15-24; fig 2, items 12 and 88).

However, Anderson fails to teach generating a transparent section.

Gerba teaches generating a transparent section. (column 27, lines 5-20)

It would have been obvious to an artisan at the time of the invention to include Gerba's teaching with method Anderson in order to allow moving video to be viewed when it is overlapped by the web browser.

As per claim 5, Anderson and Gerba teach the method of handling a video media event in a windowless Web browser system of claim 4. Anderson further teaches wherein step b) includes:

- a) decoding the video frame size from the video media event (col. 5, lines 32-56); and
- b) decoding the source of the video signal to be displayed in the video content frame from the video media event (col. 5, lines 32-56; It is inherent that, in order for the television programming content to be displayed, it needs to be decoded first.).

As per claim 6, Anderson and Gerba teach the method of handling a video media event in a windowless Web browser system of claim 5. Anderson further teaches wherein step b) further includes decoding the video frame location within the browser frame from the video media event (col. 5, lines. 15-24, fig 2, items 12 and 88)

As per claim 7, it is rejected with the same rationale as claim 4. (see rejection above)

As per claim 8, which is dependent on claim 7, it is of the same scope as claim 5. (see rejection above)

As per claim 9, which is dependent on claim 8, it is of the same scope as claim 6, (see rejection above)

As per claim 10, Anderson and Gerba teach the method of handling a video media event in a windowless Web browser system in a television set top box of claim 9. Anderson further

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teaches wherein step b) includes directing a tuner to tune to the source of the video signal to be displayed in the video content frame (col. 5, lines 15-24; It is inherent that a tuner needs to be tuned to the source of the television programming in order to display its content).

As per claim 11, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 12, which is dependent on claim 11, it is of the same scope as claim 2. (see rejection above)

As per claim 13, which is dependent on claim 12, it is of the same scope as claim 3. (see rejection above)

As per claim 14, it is rejected with the same rationale as claim 4. (see rejection above)

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 5. (see rejection above)

As per claim 16, which is dependent on claim 15, it is of the same scope as claim 6. (see rejection above)

As per claim 17, it is rejected with the same rationale as claim 4. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 5. (see rejection above)

As per claim 19, which is dependent on claim 18, it is of the same scope as claim 6. (see rejection above)

As per claim 20, which is dependent on claim 19, it is of the same scope as claim 10. (see rejection above)

As per claim 21, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 22, Anderson and Gerba teach the apparatus for displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 21. Anderson further teaches wherein the displayed size of the video content frame is smaller than the displayed size of the browser based content frame (col. 5, lines. 15-24, fig 2, items 12 and 88).

As per claim 24, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 25, which is dependent on claim 24, it is of the same scope as 5. (see rejection above)

As per claim 26, which is dependent on claim 25, it is of the same scope as claim 6. (see rejection above)

As per claim 27, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 28, which is dependent on claim 27, it is of the same scope as claim 5. (see rejection above)

As per claim 29, which is dependent on claim 28, it is of the same scope as claim 6. (see rejection above)

As per claim 30, which is dependent on claim 28, it is of the same scope as claim 10. (see rejection above)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,219,042) in view of Gerba (US 6,445,398) further in view of Houghton et al. (US 6,757,707).

As per claim 23, Anderson and Gerba teach the apparatus for displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 22. However, they fail to teach wherein video content is related to the browser-based content.

Houghton et al. teaches video content is related to the browser-based content. (col. 3, lines 30-40)

It would have been obvious to an artisan at the time of the invention to include Houghton's teaching with the apparatus of Anderson and Gerba in order to provide user with the capability of "Featured Tuning".

***Response to Argument***

Applicant's arguments filed on 8/29/06 have been fully considered but they are not persuasive.

Applicant's argued that there is no motivation to combine Anderson with Gerba.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Gerba provided a reason for combine its teaching with another reference and that is

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to allow moving video to be viewed when it is overlapped by another window. (see Gerba column 27, lines 4-6) Furthermore, both Gerba and Anderson are related to display of TV guide schedule; (see Gerba, figure 11A. and Anderson figure 7) furthermore, in Anderson, there are also situations where moving video window and another window overlap one and another. (see Anderson, figure 2 and figure 3)

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

STEVEN SACK  
PRIMARY EXAMINER